

RA Talking Points
Texas Environmental Superconference – Austin, TX
Friday – August 4, 2017

Introduction

- Good morning.
- Thank you for having me here today.
- It's a privilege to share the stage with TCEQ Chairman Shaw.
- I was actually in Austin with Chairman Shaw a few months ago in May.
- Austin Mayor Adler joined us for the occasion.
- We gathered to announce an EPA Brownfields Grant of \$300,000 for the City of Austin to look into redeveloping some blighted areas in East Austin.
- The grant would turn a contaminated area into an economic driver for the City.
- Projects like these exemplify what happens when EPA, TCEQ, and local communities work together.
- Today, I'd like to talk more about EPA's continued partnership with TCEQ in protecting the environment and public health in Texas.
- Our partnership has gotten stronger over these past years, and I anticipate it growing even stronger moving forward.
- One of EPA Administrator Pruitt's priorities is cooperative federalism.
- Region 6 is on the front lines in that priority.
- We are the ones that mobilize for emergency responses in the region.
- We are the ones that meet face to face with our state partners.
- And we are the ones that recognize the uniqueness of each state, and how unique solutions are needed.

Corpus Christi Response

- A great example of working together with TCEQ occurred last year when responded to an emergency in Corpus Christi.
- On December 14, 2016, a backflow incident from a chemical tank containing Indulin AA-36 was reported to have impacted the City of Corpus Christi water system.
- Considered hazardous by OSHA, Indulin is an asphalt emulsifying agent that is corrosive and can burn the eyes, skin, and respiratory track if contact is made in concentrated amounts.
- An unknown quantity (up to at least 24 gallons of it) seeped into a pipeline carrying water, allowing it to move to other areas of the city.
- EPA Region 6 and TCEQ integrated our response operations in both Austin and Corpus Christi to ensure the situation was handled as swiftly as possible, as the top priority was the safety of Corpus Christi residents and a transparent response.
- EPA Region 6 placed a drinking water expert at the TCEQ response center in Austin to assist with the effort and better coordinate the joint Agency plans.
- EPA coordinated sampling with TCEQ and made available emergency analytical services from the EPA Houston Lab located nearby.
- The lab developed an analytical method for Indulin since none was available within 48 hours.

- Later that day and early into the next day, the City, in consultation with TCEQ, instituted a “do not drink” advisory for the entire Corpus Christi water system.
- On December 16, 2016, TCEQ and EPA coordinated efforts to further assist the City on the “do not drink” advisory, by dividing the service locations into distribution system segments, or zones.
- After extensive flushing by the City in consultation with TCEQ and EPA, and after sampling results showed ‘non-detect’ for Indulin, the “do not drink” advisory was lifted for 2 of the zones (by December 18, 2016).
- Though not certified to test for Indulin, the EPA Houston Lab worked nonstop and swiftly developed analytical methods for Indulin in the drinking water samples.
- About 210⁺ samples were collected throughout the water system, and results were ‘non-detect’ for Indulin.
- As many of you know, incidents like what happened in Corpus Christi spring up from time to time.
- By combining our efforts and expertise, we were able to respond swiftly and better help the residents of Corpus Christi.

Water

- I’d like to stick with water because it’s such an important topic here in the state of Texas
- Per the 2017 Texas Water Plan published by the Texas Water Development Board: Texas’ population is expected to increase more than 70 percent between 2020 and 2070, from 29.5 million to 51 million.
- Reliable water supply is a critical need to the population and the economy.
- In the fall of 2015, the U.S. Army Corps of Engineer (USACE), EPA Region 6, and the Texas Water Development Board (TWDB) entered into a dialogue focused on improving interagency coordination as it relates to infrastructure projects, specifically large water supply projects in Texas.
- Most large water supply projects have significant environmental impacts to warrant the development of an Environmental Impact Statement as required by National Environmental Policy Act (NEPA).
- The review process was examined and actions that will make the process clearer and more predictable for permit applicants and stakeholders were identified.
- The Partnering Agreement (Agreement) was signed on July 27, 2016 and is in effect for three years unless otherwise modified or terminated.
- The Agreement promotes, maintains, and enhances an effective and efficient working relationship for implementing NEPA and the Clean Water Act Section 404 Regulatory Program in Texas as it relates to large water supply projects.
- Texas Commission on Environmental Quality staff participated in the final discussions regarding the agreement.
- This Agreement will give permit applicants a greater understanding of the permit process so that projects can be streamlined and undertaken to better address the water needs of Texas’ growing population.

Drinking Water Enforcement

- Today, more Texans are drinking cleaner water through efforts by the EPA and TCEQ.

- We've closed six Administrative Orders recently after small water systems successfully took steps to correct arsenic, nitrates and radionuclides maximum contaminant level violations at their water systems.
- After investing over \$3,500,000 in infrastructure, the citizens are now drinking water in compliance with the Safe Drinking Water Act.
- Approximately 2,000 citizens from the communities of Eastland County Community water system, Valley Acres Mobile Home Park, Tanglewood Subdivision, City of Liverpool, City of Weinert, and North San Saba, were impacted by these actions.
- Four Administrative Orders were recently closed after small water systems successfully took steps to correct arsenic, and fluoride maximum contaminant level violations at their water systems.
- After investing over \$1,400,000 in infrastructure, the citizens are now drinking water in compliance with the Safe Drinking Water Act.
- Approximately 795 citizens from the communities of Lake Livingston water systems: Bass Bay Indian Hill 1, Forest Hills, Green Acres, and Chaparral III, were impacted by these actions.
- This is part of a larger, collaborative effort over the last five years involving over 200 enforcement actions to address smaller communities within Texas.
- These actions are part of the region's work-sharing effort with TCEQ to address source water drinking water issues.

Unliquidated Obligations

- I touched on some water infrastructure earlier.
- Infrastructure project could not be undertaken without proper levels of funding.
- We've been working with the state on reducing the unliquidated obligations balance for the Texas DWSRF program.
- In 2012, the balance was \$300,000,000, which was quite high.
- If that balance was not drawn down for drinking water projects, it could have been returned to the federal treasury.
- So, we worked with the Texas Water Development Board and the Board's leadership approved and implemented a myriad of program changes that addressed the outstanding balance.
- As of July 24, the TX DWSRF ULO balance is \$17,451,005.
- With only one grant open, it is the program's lowest balance since its inception.
- As a result of working together, more communities in Texas get drinking water they need to prosper.

Border Program

- I mentioned that Texas is unique, and therefore, encounters unique challenges that other states do not face.
- One characteristic that sets Texas apart is that the State borders Mexico.
- Air and water pollution does not abide by political boundaries so we've had to work with the government of Mexico to make sure both sides of the Border are protected.

- TCEQ has also played an important role in the US-Mexico Border Program.
- TCEQ assists the Border Program by serving as the main Program contact with local governments.
- EPA Region 6 does not have the physical presence that TCEQ does in places like Laredo and the South Texas Region like Harlingen and McAllen.
- By taking more of a leadership role in these regions, TCEQ coordinates and promotes Border 2020 Program activities.

Veolia

- Another unique situation that required partnership between our agencies was the treatment and disposal of Syrian waste in Port Arthur, Texas.
- Veolia Environmental Services was awarded a contract from the Organization for the Prohibition of Chemical Weapons (OPCW) in 2014 to treat and destroy hydrogen fluoride and other similar chemicals that were removed from Syria.
- Public concern was very high because of the Syrian connection to this waste.
- TCEQ, EPA, and local government officials provided training and outreach leading up to the arrival of the waste at the Port.
- TCEQ and EPA worked together to ensure that the transport, storage and ultimate destruction and disposal were carried out effectively and as expeditiously as possible.
- This partnership history helped a year later when we were faced with the need to destroy Ebola contaminated waste.
- Once again, the State, EPA, local officials and Veolia worked together to address this unusual need.

UST inspections in Texas

- Another unique situation that Texas faces is that Texas has the largest number of underground storage tanks in the nation.
- The Energy Policy Act (EPACT) of 2005 requires every active facility that has petroleum underground storage tanks (USTs) to be inspected once every three years.
- TCEQ has approximately 18,000 to 20,000 UST facilities to inspect every 3 years, which is a lot.
- In 2014 TCEQ was able to conduct approximately 3,100 inspections but would need to conduct over 6,000 inspections per year to meet the EPACT inspection requirement
- Region 6 and TCEQ collaborated to explore options for increasing the number of UST inspections by TCEQ.
- After exploring several potential solutions, the team, and TCEQ settled on a multi-option approach to improving inspection efficiency and thereby conducting more inspections.
- In FY 2016, TCEQ was able to conduct over 6,600 UST inspections.
- This is more than double the number of inspections in FY 14.
- Our collaboration resulted in TCEQ successfully increasing UST inspections in the State, which better protects public health and the environment.

Conclusion

- These are all just some of the many examples where we met the public health needs of communities and protected the environment by working together.
- Region 6 is and has always been focused on working with our state partners to ensure cooperative federalism.
- We respond to emergencies.
- We meet with all our state environment directors.
- And we work with our states to ensure that public health and the environment are better protected.
- We still have many issues to deal with like Regional Haze.
- Much has been said about regional haze.
- We've been taking a fresh look at the issue and I feel confident that we can find a solution.
- I can't really provide any detail because of where we are in the rulemaking process and final decisions have not been made.
- But I can say that we all feel a pressing need to resolve these issues for the first planning period so focus can be moved to the next planning period that's coming up quickly.
- Each unique challenge we face, like disposing Syrian chemical waste or US-Mexico Border issues, presents an opportunity for us to come together and work things out.
- I'm glad TCEQ has such a capable leader in Chairman Shaw.
- We have accomplished a lot and I look forward to working with the Chairman as we move forward.
- Thank you.